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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BARTLETT, et al.
Serial No.: 10/511,461
Filed: October 14, 2004
For: Arrangement for Cooling a Roll
Group Art Unit: Not yet assigned
Attorney's Docket No. 13058N/041750
Customer No. 32885

RECEIVED

MAR 17 2006

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 9, 2006

Dear Sir:

In response to the Decision on Petition dated January 9, 2006, and pursuant to the provisions of 37 C.F.R. § 1.47(a), Applicant renews its Petition to have the Oath in connection with the above-identified application accepted in the absence of the signature of a co-inventor.

Previously, Applicant filed a Petition under 37 C.F.R. § 1.47(a), showing that inventor Steve Corcoran had refused to sign the Oath. The Petition, and the accompanying Declaration, pointed out that the non-signing co-inventor and the signing inventor have a history of disagreement, and that hard feelings remain.

The petition further pointed out that not only did inventor Corcoran refuse to sign the Oath that was sent to him with a copy of the Application, he stated that he would not

execute the Oath because of a disagreement with the other co-inventor and the Assignee. This alone was sufficient to show that the necessary effort was made to have co-inventor Corcoran sign the Oath, but he refused to do so.

The Decision of January 9, 2006, indicated that the "Petitioner has satisfied requirements (1) and (3) of 37 C.F.R. § 1.47(a), [but] requirements (2) and (4)...have not been satisfied."¹

With respect to requirement 2, the Decision indicates that "based on Mr Corcoran's e-mail it cannot be determined that he refuses to sign since it appears that he received the full documentation on November 17, 2005 and he needs time to sort out things." See page 3.

While there may be some disagreement as to the timing specifics, Petitioner respectfully submits that at this point any disagreement is moot. As indicated in the attached Declaration, as of March 8, 2006, Mr. Corcoran still steadfastly refuses to execute the Declaration.

In order to fully address the concerns of the PCT Legal Examiner, the full period of time from the mailing date of the Decision was used in order to allow Mr. Corcoran more time to reconsider his refusal.

¹ See page 2 of the Decision: Requirement (2) is factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. Requirement (4) is an oath or declaration by each 37 C.F.R. § 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

At this point, it remains clear that despite the diligent effort made to obtain Mr. Corcoran's signature, additional efforts will be fruitless.

Accordingly, the Petitioner respectfully submits that the necessary information for the USPTO to accept the Declaration in this case from one of the inventors pursuant to 37 C.F.R. 1.47(a) is provided.

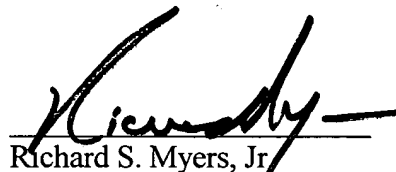
With respect to requirement (4), attached is a declaration that addresses the issues raised by the PCT Legal Examiner.

The required fee under 37 C.F.R. § 1.47(a) has been submitted.

If it is deemed that an additional fee is required for this Renewed Petition, the Commissioner is authorized to charge any deficiency to Deposit Account Number 50-2752.

Should there be any questions in connection with this Petition or the Application in general, please contact the undersigned at the number listed below.

Respectfully submitted,



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DECLARATION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Dear Sir:

On behalf of the Petitioner, on March 8, 2006, I made a telephone call to Stephen Phillip Corcoran, an co-inventor of the above-identified application. I requested that Mr. Corcoran sign the Declaration that was previously forwarded to him. Additionally, I asked Mr. Corcoran if his feelings about his refusal to sign had changed.

During the telephone conversation of March 8, 2006, Mr. Corcoran indicated, in no uncertain terms, that at the present time he still refuses to sign the Declaration.

Additionally, during the telephone conversation of March 8, 2006, Mr. Corcoran indicated that hard feelings remain between him and the other co-inventor, and that Mr. Corcoran's participation in the patent process would be available only upon payment of an exorbitant fee.

As indicated in the original petition, Mr. Corcoran, who refuses to sign the Declaration, was employed by the co-inventor's company at the time of the invention. Mr. Corcoran's employment ended on bad terms.

The last known address for the inventor, Steven Phillip Corcoran, who refused to execute the Declaration is as follows:

22 Great Close, Crowood, Yorkshire YO8 3UG (Great Britian).

I hereby state that all statements made herein based on my own personal knowledge are true and correct and that all statements based on my information and belief are true and correct to the best of my knowledge, and further that all of these statements have been made with the knowledge that willful false statements are the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 9, 2006
Date

By: 

Name: Richard S. Myers, Jr.

Title: Attorney for Applicant